



Honorable August B. Landis
United States Bankruptcy Judge



Entered on Docket
June 25, 2015

ENRIQUE R. ACUÑA, ESQ.
Nevada Bar No.: 10495
THE LAW OFFICES OF ENRIQUE R. ACUÑA, LTD.
2785 East Desert Inn Rd., Ste. 134
Las Vegas, Nevada 89121
(702) 425-4444
Fax (702) 989-0439
enrique@acunaesq.com
*Attorney for the Debtor
and Debtor-in-Possession*

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA**

In re:

JOSE ASCENCION ZAPATA,

Debtor.

Case No.: 15-11086-ABL
Chapter 11

Date: June 10, 2015
Time: 1:30 PM

**ORDER GRANTING MOTION TO
VALUE COLLATERAL,
“CRAMDOWN” AND MODIFY THE
RIGHTS OF CREDITOR BAYVIEW
LOAN SERVICES, LLC, PURSUANT
TO 11 U.S.C. § 506(a) AND
OBJECTION TO CREDITOR’S
PROOF OF CLAIM**

Upon the motion (the “Motion”) of JOSE ASCENCION ZAPATA, the Debtor in
the above-captioned proceeding (the “Debtor”), for his investment property located at:
3952 Delling Court, Las Vegas NV 89104 (“Subject Property”), requesting entry of an

1 order to Value Collateral, "Cram Down," and Modify the Rights of BAYVIEW LOAN
2 SERVICES, LLC, (Acct. No. x3053), pursuant to 11 U.S.C. § 506(a), and objection to
3 Creditor's Proof of Claim, finding that the lien of BAYVIEW LOAN SERVICES, LLC, is
4 under-secured; and due notice of the Motion and the hearing on the Motion having been
5 given to all parties entitled thereto; and a hearing having been held before this Court on
6 June 10, 2015, at 1:30 PM (the "Hearing"), to consider approval of the Motion, at which
7 time all parties in interest were afforded an opportunity to be heard; and the Court
8 finding that Subject Property has a value of \$140,000; because there are no objections
9 to the Motion having been filed; it is hereby:

10 **ORDERED** that the Motion is **GRANTED**; it is further

11 **ORDERED** that BAYVIEW LOAN SERVICES, LLC's mortgage claim (Acct. No.
12 x3053) on Subject Property is only partially secured and thus is bifurcated into secured
13 and unsecured claims of \$140,000 and \$128,201.00 respectively; and it is further

14 **ORDERED** that the unsecured portion of BAYVIEW LOAN SERVICES, LLC's
15 mortgage claim be reclassified as a general unsecured claim to be paid pro rata with
16 other general unsecured creditors through the Debtor's Chapter 11 plan; and it is further

17 **ORDERED** that any Proof of Claim filed by BAYVIEW LOAN SERVICES, LLC,
18 is hereby conformed to the terms of this Order as being only partially secured; and it is
19 further

20 **ORDERED** that BAYVIEW LOAN SERVICES, LLC, shall retain its lien on
21 Subject Property, as described herein, until such time as the Debtor has completed his
22 Chapter 11 Plan and received a discharge of his obligations; and it is further

23 **ORDERED** that as provided by Fed. R. Bankr. P. 7062, this Order shall be
24 effective and enforceable immediately upon entry; and it is further
25

1 **ORDERED** that nothing herein shall limit the Debtor's right to re-appraise the
2 Subject Property in connection with confirmation of the Debtor's Chapter 11 plan of
3 reorganization; and it is further

4 **ORDERED** that this Court retains jurisdiction to hear all matters relating to or
5 arising from the entry of this Order.

6 **ALTERNATIVE METHOD RE: RULE 9021**

7 In accordance with LR 9021, counsel submitting this document certifies that the
8 order accurately reflects the court's ruling and that (check one):

9 _____ The court has waived the requirement set forth in LR 9021 (b)(1)

10 X No party appeared at the hearing of filed an objection to the motion.

11 _____ I have delivered a copy of this proposed order to all counsel who appeared
12 at the hearing, and any unrepresented parties who appeared at the hearing, and
13 each has approved or disapproved the order, or failed to respond, as indicated
below (list each party and whether the party has approved, disapproved, or failed
to respond to the document):

14 _____ I certify that this is a case under Chapter 7 or 13, that I served a copy of
15 this order with the motion pursuant to LR 9014 (g), and that no party has
objected to the form or content of the order.

16 Submitted by:
17 THE LAW OFFICES OF
18 ENRIQUE R. ACUÑA, LTD.

U.S. Trustee, Department of Justice

19 By /s/ Enrique R. Acuña, Esq.
20 Enrique R. Acuña, Esq.
21 *Attorney for the Debtor*
and Debtor-in-Possession

By _____
U.S. Trustee

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